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ABSTRACT

This article offers suggestions to school boards for conducting school-security assessments and for developing a policy on school safety. It first describes the five major threats to safety: an increase in general youth violence, gangs, drugs, weapons, and outside offenders. School boards should establish policy that recognizes school safety as a priority and prohibits the possession of weapons. Boards should also address the following specific policy areas--drugs, gangs, banning electronic communication devices, school visitation, and procedures for reporting crimes and serious incidents. Steps for developing a crisis-management policy are described: conduct a security assessment; develop crisis-preparedness guidelines; enact policy; and ensure that procedures and practices reflect policy. (LMI)

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Updating School Board Policies

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School Security Assessments and Crisis Preparedness

by Kenneth S. Trump, M.P.A.

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School Security Assessments and Crisis Preparedness

by Kenneth S. Trump, M.P.A.

School safety is one of the hottest topics in public and private education today. Board members and school administrators are asking: What security threats confront school officials?, and, What can we do to keep students, teachers, staff, and facilities safe from these threats? Tips in this article will help you answer these questions.

***Kenneth S. Trump** is assistant director of the Tri-City Task Force Comprehensive Gang Initiative in Parma, Parma Heights, and Seven Hills, Ohio. He is also director of safety and security for the ninth largest public school system in Ohio. Prior to his current positions, Mr. Trump served seven years with the Division of Safety and Security of the Cleveland Public Schools. For additional information, call Mr. Trump at (216) 885-2495.*

Security Threats

Educators face at least five major threats to their safety and to the safety of their students. While most school personnel recognize the existence of these issues or the potential for them to occur, many do not fully understand the myths and realities associated with each area. Training and awareness are needed on the following topics:

1. ***An increase in general youth violence***: Assaults, fighting, and threats top the list of increasing violent behavior by children in school and on school grounds. Although the general public often believes these occurrences to be manifestations of drug and gang conflicts, the majority stem from "he-said, she-said" rumors, boyfriend and girlfriend troubles, or verbal conflicts which escalate to physical altercations. These conflicts often start as stare-downs, accidental bumping of other students in a crowded hallway, or calling someone a name. Instead of resolving the conflicts verbally, students often resort to physical violence.

   Bullying, a related concern, is frequently overlooked as a form of youth violence. Many adults adopt the "boys will be boys" attitude, accepting the myth that it is permissible for students to push, shove, harass, menace, and intimidate others as long as nobody gets hurt. Unfortunately, many examples of school violence arise when bullying victims tire of being bullied and retaliate violently.

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From the editor . . .

This issue of ***Updating School Board Policies*** marks the end of my first year as editor. During the year I have endeavored to tap the best information resources available in the education community as well as introduce you to NSBA's "homegrown" resources like the *Technology Leadership Network* and, in this issue, the *HIV/AIDS Education Project*. With the establishment of *Letters*, the newsletter becomes more interactive, allowing you a forum for personal expression, while *Highlighter* provides your district with the opportunity to share practical and provocative governance ideas with your peers. Of course, regular *Updating* articles have and will continue to furnish the latest information on timely and important topics. Based on responses to the Reader's Survey you sent I'm pleased to see that a majority of you like

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2. ***Gangs***: While the majority of school crimes and disruptions involve students acting individually or with a few other friends, gang-related crimes and disruptions generally involve larger groups of youth who perpetrate more violent and intense offenses. These offenses also are more likely to rapidly escalate because of retaliation. Depending upon the level of entrenchment of gang activity, offenses may involve more drugs, weapons, and threats by strangers.

3. ***Drugs***: Drugs appear in schools in at least two forms: use and sales. Students may be under the influence of drugs (including alcohol) during school. They also may be involved in selling drugs in school and on school grounds. Both types of drug activity pose the potential for disruptive and possibly violent behavior.

   Most educators have been trained to recognize the signs and symptoms of drug use by students. However, few have received training on how to detect when drugs are being sold. An increased awareness of drug trafficking trends and methods allows educators to intervene quickly to disrupt student attempts to deal drugs on campus.

4. ***Weapons***: Weapons are causing concern for educators as students increasingly turn to knives, guns, and other devices to resolve conflicts and to provide themselves with a feeling of added personal security. Contrary to public perception and media reports, however, fewer guns are found in school than other types of weapons. Policies and staff awareness therefore need to be geared toward addressing traditional weapons, as well as items not designed as weapons but used as such.

5. ***Outside Offenders***: Educators are also faced with potential violence and illegal activity by trespassers, irate parents, and other strangers who enter schools and commit crimes and disruptions. Examples of unauthorized persons coming into schools include non-custodial parents attempting to remove students, disgruntled former employees seeking revenge, mentally disturbed individuals, and teens or young adults seeking to harm students who legitimately attend the school.

Policy Elements

Board members and superintendents often either look for an all-inclusive policy to deal with safety threats or, in some cases, do not have any policies and procedures to guide their employees in handling these concerns. While there is an increasing number of policies in school systems across the country, these policies serve specific districts facing specific problems. Thus, a board would not necessarily be well served by simply adopting, verbatim, another district's policy. Not only might the policy include unnecessary language, it could even be counterproductive to ensuring safe services.

Boards should establish a solid policy foundation on safety matters attending to several basic elements.

- **Recognition of school safety as a priority** - Boards should adopt a brief statement recognizing the need to provide a safe and secure educational environment for students and staff in order to maximize learning opportunities. This statement should acknowledge that while the board cannot guarantee elimination of all safety threats, it will direct and support the administration in implementing policies and procedures designed to reduce and minimize safety risks.
- **Weapons** - Boards must recognize that the presence of weapons pose a direct and immediate threat to maintaining safe and secure settings. Policies should prohibit students from using, possessing, or bringing weapons, dangerous instruments, or explosives to school or storing

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the material *Updating* provides. (A full report of the survey results will appear in the February 1996 issue of *Updating*.)

I believe a newsletter can only be successful if the readers feel they are personally involved. Your comments and suggestions can keep the newsletter fresh and useful and I encourage you to share them. Looking forward to my second year.

Michael Wessely

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them in their lockers and personal vehicles on school grounds.

Prohibited items should be defined as:

1. *Weapon*: anything that is commonly designed or used to cause injury or to put someone in fear. Examples include guns, knives, clubs, razors, metal knuckles, poisonous gases, chemical irritants, etc.
2. *Dangerous instrument*: anything that, although not specifically designed to hurt someone, is used to cause injury or to put someone in fear. Examples include belts, combs, writing utensils, compasses, etc. Such items should be considered dangerous instruments only when they are used to cause injury or to put someone in fear.
3. *Explosive*: any substance or item that can potentially generate a release of mechanical or chemical energy. Examples include firecrackers, cherry bombs, gun shells, bottle bombs, etc.

Finally, the policies should address "look-alike" weapons and similar objects which closely resemble a weapon or explosive and could put persons in fear for their safety. Examples include starter pistols, pellet guns, toy guns, smoke bombs, etc. Specific penalties for look-alike and other defined weapons should be based on federal and state law, as well as established disciplinary policies and procedures.

Specific Policy Areas You Should Address

- **Drugs** - Drug policies should address drug use, possession, and sales. Prohibited drugs should not be too narrowly defined and the policy should address look-alike or counterfeit drugs.

  Some schools' drug policies focus exclusively on either punishment or treatment. A policy option that allows for "treatment only" ignores the consequences to students' violation of the law. Likewise, a strict punishment only approach is rarely successful. As a result, effective drug policies require mandatory reporting of all drug cases to the police, firm disciplinary action, **and** treatment.

- **Gangs** - Affective policies for addressing gangs are often difficult to write because no single definition of "gang" exists. Gang "identifiers" may be listed in general terms including references to apparel, jewelry, accessories, writings, or other symbols which denote membership in a gang. (Note: the board should avoid being too specific, such as banning blue or red bandannas, because gang identifiers change over time and can easily render such restrictive policies ineffective.) The most successful policies incorporate definitions focused on groups and their members who practice illegal acts, violate school rules, or take actions that threaten the safety or welfare of others.

While there are an increasing number of policies in systems across the country, it should be remembered that they are sample policies for specific districts facing specific problems. Some policies will thus contain language unnecessary and possibly counterproductive to other districts that may consider simply copying the identical verbiage for the sake of having a policy.

- **Banning electronic communication devices** - Pagers, beepers, cellular phones, and other devices for receiving and or transmitting messages — and their look-alikes — should be prohibited. Although these devices were initially perceived to be linked to drug dealing and the majority of youth carrying them today are simply caught up in the wave of communication convenience, these electronic tools are clearly disruptive of the educational environment and serve no purpose in a school. Students needing to receive or send emergency messages should do so through their school administrator or main office.

- **School visitation** - Policies should be established to clearly identify the appropriate time, place, and process for visits by parents, visitors, and others having legitimate school business. Procedures based on these policies should be implemented consistently across the school district, including measures to minimize access points, promptly identify and direct visitors, and respond to intruders who fail to comply with visitation guidelines.

- **Reporting crimes and serious incidents** - An increasing number of states have enacted legislation that mandate the reporting of specific school-based crimes. All districts should establish policies and procedures for reporting crimes and serious incidents both internally to school administrators and externally to law enforcement agencies. Consistency in reporting and recording school crime data helps to identify patterns and problem areas, as well as to develop prevention and intervention strategies.

Start with A Security Assessment

Many districts respond to school safety by addressing only one end of the safety continuum, rather than conducting a comprehensive review of the spectrum of issues. At one extreme, some schools implement only a prevention-oriented curriculum, i.e., a "just say no" approach. At the other end,

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some boards adopt hardcore security approaches, such as installing metal detectors. While such steps are needed in many systems, a proactive approach is more conducive to meeting both the actual needs and the image concerns facing the average school district. Such an approach requires an examination of the entire continuum of safety concerns — a professional security assessment — prior to a crisis taking place.

Professional security assessment provides educational leaders with an audit of existing safety conditions within their school district and outlines recommendations for improving these conditions at the building and/or district levels. The benefits of conducting an assessment include:

1. Completion of an independent, and confidential, professional security review of school conditions and operations to identify areas for improvement. (A security assessment is an excellent risk-management tool.)
2. Identification of practical strategies, such as procedural changes, that often require minimal additional costs to better safeguard students, staff, and facilities.
3. A demonstrated commitment to the safety and security of school students, staff, and facilities through a professional and methodical review without the overreaction or panic that comes after a crisis situation has already occurred.

The purpose of a professional security assessment is to provide educational leaders with an audit of existing safety conditions within their school district and to outline recommendations for improving these conditions at the building and/or district levels.

What areas should be reviewed in a professional assessment? Too often, self-proclaimed school security experts will sell a security assessment as either a nuts-and-bolts review of physical security or as a critique of violence prevention curriculum. A professional assessment is much more comprehensive and should include an examination of crisis preparedness, security operations and procedures, physical security with an emphasis on crime prevention, security education and training for staff and students, special event security management, intervention services, discipline safety issues, and community coordination for school safety.

The school security assessment process should include a review of policies and procedures, an analysis of crime and discipline data, and an examination of facility physical designs and structures. The process also should include structured interviews with administrators, teachers, support personnel, students, parents, and law enforcement. The extent and nature of the assessment will vary depending upon the issues and concerns of the board and administration. The final product should be a confidential report with findings and recommendations to designated officials.

School safety and security assessments require a district-specific focus. In other words, a pre-packaged checklist or computer program is not the best method for conducting an assessment. Security threats, building designs, school and community cultures, and many other factors combine to form unique circumstances in each school system that requires an individualized focus and review. The problems of one system may easily differ from those of an adjacent district; therefore, what works in one district may simply not succeed in another.

Who should conduct school security assessments? There are a growing number of professionals nationwide who are experienced specifically in the field of school safety and security. Unfortunately, many individuals are retiring from school systems, law enforcement, or other youth-service agencies and promoting themselves as school security experts when, in reality, they have never worked with violent children, professional security operations, or on school-specific security issues. Board members and administrators should exercise caution in checking the education, experience, and credentials of self-proclaimed school security experts before allowing them to consult or work in their districts.

Developing Crisis Preparedness Guidelines

Officials are increasingly responding to the potential for crisis situations in schools by developing plans that outline steps for educators to take in the event of an emergency. These plans often summarize actions to be taken by certain individuals, identify key resources, and diagram follow-up procedures. Plans range from several to dozens of pages, depending upon the school or district. They also vary in specificity, format, and content.

As this process grows in popularity, and rightfully so, there is a corresponding tendency for administrators to "borrow" documents from other districts and change a few details so that their school or system has a crisis plan on file. Although significant insight can be gained from reviewing the works of other districts, a hidden danger lies in copying another system's crisis document with only a few modifications: the plan rarely will address the district's unique needs.

District guidelines should serve to provide consistency and support in general matters affecting each building in the entire district. Building guidelines should tailor district guidelines to the individual schools. The guidelines should be specific enough to ensure proper action but general enough to recognize that no two crisis situations are likely to be identical. Guideline documents also should be easy to read, preferably in bullet or checklist format,

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and presented in a workshop or special meeting of all school staff.

Crisis guidelines should answer "What if...?" questions on a variety of topics. Crisis planners should ask this question for many potential crisis situations and document general guidelines that all staff members can follow in the event the crisis occurs.

Topics can generally be broken down into potential criminal and non-criminal incidents, although the lines of criminality may blur depending upon the actual crisis incident. Criminal issues should include abductions, student removal by non-custodial parents, large scale riots or altercations, bomb threats and actual bomb placement, gunfire in schools or on school grounds, hostage situations, trespassers and suspicious persons, and weapon threats. Non-criminal issues may include large scale accidents, deaths or serious illnesses on or off school grounds, environmental emergencies (chemical spills, gas leaks, power or water outages), fires or explosions, special event emergencies, weather and natural disasters, and crisis media procedures.

Pulling It All Together

Enacting policies, conducting security assessments, and developing crisis-management guidelines are three critical steps in improving school safety and security. However, these actions require more than generating documents. Policies must be reflected in procedures which, most importantly, must be reflected in practice. Boards must communicate safety policy priorities to superintendents, who in turn must communicate and follow-up with district and building-level administrators.

Assessments by experienced school security professionals are an excellent risk- management tool. However, simply having the document will do little if no prompt follow-up actions are taken. Assessments should also be periodically updated. Board members and superintendents who successfully use security assessments present them as a proactive blueprint for planning and action, not as a negative reflection of the district's management ability prior to the assessment.

Crisis guidelines are only beneficial if they are developed through a district- and building- level process that creates increased awareness and ownership of the crisis preparedness purpose and function. Guidelines created and stored away on a shelf are little better than no guidelines at all. They must be collaboratively developed and regularly assessed. Beyond staff and students, resources should include parents, public safety officials, court and social service representatives, community officials and experienced professionals in the school safety and security profession. Being prepared to address school safety concerns requires internal leadership and ownership, combined with the input and utilization of outside resources. ■

Enacting policies, conducting security assessments, and developing crisis guidelines are three critical steps in improving school safety and security. However, these actions require more than generating documents. Policies must be reflected in procedures which, most importantly, must be reflected in practice.

Letters

School Sports, Privacy, and Bashful Students

The article in October's *Updating* - CourtView - (Vol.26, No.5, p.6) was informative and highlights an issue of importance to every school and every board member. The issue is privacy for students vs. drug abuse.

I have only small disagreements with the Court's decision, as I do understand the seriousness of drug abuse problems and the impact such problems have on learning. I do have a serious objection to the mindset that produced the quote, "School sports are not for the bashful." The author of the quote was not identified but I believe it was Judge Scalia.

Such an attitude encourages coaches and administrators to wink at abusive practices by less bashful students toward more bashful ones and encourages driving the bashful students out of school sports.

I am not suggesting any special protection or privileges for bashful students. I was a bashful student who participated in sports. I saw enough teasing and abuse, both physical and sexual, to convince me that coaches and administrators need encouragement to protect every student's privacy rights and privacy wishes to a reasonable degree.

I am quite certain that Judge Scalia would not wish to encourage teasing and abuse or wish to drive bashful students out of school sports, but I think that is the likely result of his attitude and his unnecessary quote.

All of us board members should encourage all students to take part in extra-curricular activities and protect their privacy rights and their privacy wishes to an extent that is reasonable.

L. K. BERRYHILL
Ft. Dodge, Iowa

Court View

Discipline of Students With Disabilities: Separating Fact and Fiction

by Timothy E. Morse and Charles J. Russo, J.D., Ed.D.

Perhaps the most troublesome issue confronting educators today is disciplining students with disabilities. In maintaining safe, orderly learning environments, educators are required to make and enforce reasonable rules and regulations that are assumed to be established in good faith to help a school to achieve its legitimate educational goals. As such, all children who violate school rules, regardless of whether they are disabled, may be disciplined. Even though the rules for disciplining disabled students are sometimes different from those applicable to their non-disabled peers, in many instances they can receive the same sanctions. Thus, this article reviews key issues relating to the discipline of students with disabilities.

Suspensions and Expulsions

The guidelines for student suspensions and expulsions were, in large part, clarified by the Supreme Court's 1975 ruling in *Goss v. Lopez* (419 U.S. 565). The Court held that although short-term suspensions of up to ten days do not require formal hearings, a student is entitled to notice and an opportunity to respond to the charges in order to guard against unfair, mistaken, or arbitrary decisions.

Disciplining students with disabilities presents schools with very real problems. However, Timothy Morse and Charles Russo show that while the rules for disabled students are sometimes different from for non-disabled students, in most cases they can receive the same sanctions.

In *Goss* the Court also ruled that, since a student's right to a public education is a protected property interest that may not be infringed upon without minimum procedural due process, a school must provide a formal hearing when a pupil faces either a long-term suspension of ten days or more, or an expulsion. The essential elements of a so-called "*Goss*-hearing" are notice, an opportunity to respond, and a decision on the record by a fair, impartial third-party decision-maker.

Students with disabilities who are at risk of suspension or expulsion have protections beyond those provided by *Goss*. In fact, insofar as these types of discipline may affect a disabled student's right to a free appropriate public education, as mandated by the Individuals with Disabilities Education Act (IDEA), substantive and procedural due process protections are activated whenever they face either a suspension or an expulsion.

In *Mills v. Board of Education of the District of Columbia* (348 F. Supp. 866, D.D.C. 1972), a pre-IDEA case, the court acknowledged the need to protect disabled students from improper exclusions for behavior that was a manifestation of their disabilities. Likewise, in *S-1 ex rel. P-1 v. Turlington* (635 F.2d 342, 5th Cir. 1981) at issue was the expulsion of students for conduct that was a manifestation of their disabilities. Affirming that the students could not be excluded, the Fifth Circuit laid out three important principles: (1) a student with a disability cannot be expelled for misbehavior that is a manifestation of his disabling condition; (2) the burden of determining whether a student's behavior is a manifestation of his disability rests upon the school, and this decision must be made by an indi-

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Timothy E. Morse is a doctoral student in the Department of Special Education & Rehabilitation Counseling in the College of Education at the University of Kentucky.

Charles J. Russo, J.D., Ed.D., is an Associate Professor in the Departments of Administration & Supervision and Special Education & Rehabilitation Counseling in the College of Education at the University of Kentucky.

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vidual or a team with the requisite expertise to reach such a decision; and (3) a student may be expelled if his behavior is not a manifestation of his disability, but a school cannot terminate all educational services. Finally, in 1988 the Supreme Court clarified many, but not all, of the concerns surrounding the discipline of students with disabilities with its ruling in *Honig v. Doe* (484 U.S. 305).

Honig v. Doe

In *Honig* two students, John Doe and Jack Smith, who had emotional disabilities coupled with histories of inappropriate behavior, were suspended indefinitely pending their expulsions for violent and disruptive conduct that was disability-related.

A federal trial court in California permanently enjoined the school from expelling or indefinitely suspending the students and from authorizing a unilateral change in their placements. It also ordered the district to enact guidelines to deal with the discipline of students with disabilities while directing the State to provide services directly to any student whom the local educational agency was either unable or unwilling to serve. The Ninth Circuit affirmed with minor modifications. It agreed that, as a change of placement, an indefinite suspension, pending resolution of appropriate placement for students with disabilities who have engaged in violent or disruptive conduct related to their disabilities, violates the IDEA's stay-put provision. Next it found that the IDEA did not allow unilateral removal of students with disabilities who engage in dangerous behavior. The court further held that a fixed suspension of up to thirty school days was permissible under the IDEA.

The Supreme Court affirmed, but modified slightly, the Ninth Circuit's decision. First, the Court held that since the IDEA applied only to students between the ages of three and twenty-one, the case was moot with regard to Doe who was twenty four when the case reached the Court. However, it further ruled that since there was a reasonable likelihood that Smith's complaint was capable of repetition, yet evading review, the suit was not moot with respect to his claims because he was only twenty.

The Court next addressed Smith's case by reviewing the "stay-put" provision of the IDEA. It construed the language of the statute, which mandates that a student remain in his or her then current placement pending any proceedings to change the placement, as prohibiting a school from unilaterally excluding a disabled student from a classroom for dangerous or disruptive behavior caused by the disability. The Court refused to read a dangerousness exception into the law. It reasoned that Congress sought to deprive school officials of the unilateral authority to exclude students, especially those with emotional disabilities, since there was no emergency exception for dangerous students in the IDEA.

Despite its refusal to expand the meaning of language in the IDEA, the Court did not leave educators without recourse. In fact, the Court noted that school officials were free to use normal disciplinary procedures when dealing with students who endangered themselves or others, and made specific reference to the use of study carrels, timeouts, detentions, the restrictions of privileges, and even short-term suspensions of up to ten days. The Court indicated that educators could promptly remove students who were most dangerous and, during this ten-day "cooling off" period, schools could initiate a review of the student's Individual Education Plan (IEP), negotiate changes of placement with the student's parents, or both. In addition, the Court noted that schools could seek judicial relief during this cooling off period to unilaterally change the placement of a student who presented a real threat, but that they would bear the burden of proof as to the need to circumvent the IDEA's exhaustion of remedies requirement. The Court thus affirmed the ruling of the Ninth Circuit except that it held that a suspension in excess of ten, not thirty, days constituted a change of placement.

Finally, an equally divided Court affirmed the Ninth Circuit's order directing the State of California to provide services directly to a child with a disability when the local educational agency fails to do so.

Emerging Questions

Honig clarified many, but not all, issues dealing with the discipline of students with disabilities. In the absence of controlling precedent from the Supreme Court, the lower courts are generally in agreement on the first four points that follow; the final issue is, as yet, unresolved.

1. The burden of proof rests on school officials as to whether a student's behavior is disability-related.

2. A student may be expelled for behavior that is not a manifestation of a disability. Yet, the courts tend to give every benefit of the doubt to the student.

3. While a student can be expelled for behavior that is not related to his disability, a school cannot terminate all educational services during the expulsion. Rather, schools must provide services that are consistent with the student's IEP during the expulsion period.

4. The parent of a student who has not been identified as having a disability but who has committed an infraction that warrants a long-term suspension or expulsion may request an evaluation of the child for special education eligibility while his case is pending. The U.S. Department of Education has indicated that in such circumstances the child's current educational placement for IDEA purposes is the out-of-school setting. If the student is found eligible for special education, then IDEA protections apply.

5. Although there is no general agreement, students with disabilities may not be suspended from one placement for more than ten days during any school year with-

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out triggering a change in placement, which requires following the procedural safeguards set forth in the IDEA. If a child's placement is changed following this process once the school year is under way, it appears that the ten-day clock begins anew in the new placement. (Rhys, 18 IDELR 217) (Office of Special Education Programs (OSEP) 1991)

Corporal Punishment and Other Forms of Discipline

There have been few cases on point since corporal punishment was upheld by the Supreme Court in *Ingraham v. Wright* (430 U.S. 651, 1977). Perhaps the earliest relevant case, *Cole ex rel. Cole v. Greenfield-Central Community Schools* (657 F. Supp. 56, S.D. Ind. 1986), stands for the basic proposition that students with disabilities are not exempt from school rules or entitled to special protection from a school's normal disciplinary procedures. Apparently the first federal appellate case involving corporal punishment of a student with a disability, *Fee v. Herndon* (900 F.2d 804, 5th Cir. 1990), was resolved similarly. In *Fee*, the court held that the alleged excessive corporal punishment of a student with an emotional disability did not violate federal law.

Based on these cases it appears that, to the extent that corporal punishment and other forms of discipline are not prohibited by state law or school board policy, and do not violate the behavior management provisions of a student's IEP, they are probably legal.

Search and Seizure

In *New Jersey v. T.L.O.* (469 U.S. 325 1985), the Supreme Court upheld the warrantless search of a student's purse by the school's assistant principal and, in so doing, enunciated the rules governing search and seizure in the schools. After holding that the Fourth Amendment's prohibition against unreasonable searches and seizures applied to public school officials, the Court set out the guidelines under which a search is reasonable.

The Court ruled that school officials are not required to obtain a warrant before searching a student in their care or to base their searches on probable cause. Rather, the legality of the search depends upon a two-part test: (1) the search must be justified at its inception based on the totality of the circumstances which led the official to have reasonable suspicion that a student is, has, or is about to violate a school rule or the law; and (2) the search must be reasonably related in scope to the circumstances which justified the search.

Despite its refusal to redraft the IDEA, the [Supreme] Court did not leave educators without recourse. The Court noted that school officials were free to use normal disciplinary procedures when dealing with students who endangered themselves or others by referencing specific procedures.

The first post-T.L.O. case to reach the courts involving the search of a student with a disability was *Cornfield ex rel. Lewis v. Consolidated High School District No. 230* (991 F.2d 1316, 7th Cir. 1993). Here a seventeen-year-old high school student in a program for youngsters with behavior disorders was suspected of "crotching" drugs. A federal trial court in Illinois granted summary judgment in favor of school officials who strip searched the student even though his mother had refused to grant her consent. The Seventh Circuit affirmed. It reasoned that since the educators had reasonable suspicion at the start and acted within a permissible manner, the search was valid. Although Cornfield argued that he was suspected of involvement with drugs based on his behavioral disorders, the court devoted little attention to his position.

Conclusions

In sum, the following standards have emerged for the discipline of students with disabilities and boards are urged to carefully construct their discipline policies with attention to them.

1. A short-term suspension of ten days or less is not a change of placement.
2. An expulsion, long-term suspension, or removal from school for more than ten days is a change of placement.
3. Cumulative and indefinite suspensions based on *Rhys* that exceed ten days are likely to be found a change of placement.
4. Absent proof of bad-faith, it appears that the ten-day suspension cap, according to *Rhys* begins anew following each change of placement.
5. A disabled student cannot be expelled for misbehavior that is a manifestation of his disability.
6. School officials bear the burden of determining whether a student's behavior is a manifestation of his disability.
7. A student who is expelled for behavior that is not a manifestation of his disability is entitled to services consistent with his IEP during the expulsion period.
8. The IDEA does not include a dangerousness exception to permit the unilateral expulsion of a disabled student.
9. Subject to state law, board policy, or a child's IEP, corporal punishment, other forms of discipline, and searches of the person or possessions of a disabled student are legal to the same extent that other students may be subjected to these measures. ■

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Portions of this article are based on a Chapter on discipline in Thomas & Russo, *Special Education Law: Issues & Implications for the '90s* (1995).